



MetroWest+

Portishead Branch Line (MetroWest Phase 1)

TR040011

Applicant: North Somerset District Council

9.35 ExA.FI.D5.V1 – Applicant's response to ExA's Actions from Hearings and Further Information for Deadline 5

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TR040011 - Application by North Somerset Council for an Order granting Development Consent for the Portishead Branch Line – MetroWest Phase 1

Applicant's response to ExA's Actions from Hearings and Further Information for Deadline 5

Issue Specific Hearing 1 (ISH1)

Action	Description	Action by	When	Applicant's comments
2	<p>Article 2 (Commencement)</p> <p>(i) Applicant and the Local Planning Authority's (LPAs) to continue discussion of how this is to be defined to enable the carving out of preliminary works.</p> <p>(ii) Applicant to check that all preparatory/ preliminary works are captured eg clearance of vegetation; works to secure rocks to prevent rock falls; works to trees including protective fencing; laying out of temporary compounds. Article to be amended as necessary.</p>	Applicant NSC Bristol City Council (BCC)	On-going	<p>Deadline 3:</p> <p>(i) Discussions continue. The Applicant has discussed items (ii) and (iii) below but the relevant planning authorities have not seen the Applicant's revised drafting or these (and related) responses.</p> <p>(ii) Please see the Applicant's Oral Case and response to Representations at the Issue Specific Hearing 1 (ISH1) – DCO Document Reference 9.16 ExA.ISH1.D3.V1, Section 3 Issue Reference 2.</p> <p>(iii) Please see the Applicant's Oral Case and response to Representations at the Issue Specific Hearing 1 (ISH1) – DCO Document Reference 9.16 ExA.ISH1.D3.V1, Section 3, Issue Reference 4.</p> <p>Deadline 4:</p>

Action	Description	Action by	When	Applicant's comments
	<p>(iii) Applicant and LPAs to review how the carrying out of any preparatory/ preliminary in accordance with the Code of Construction Practice (CoCP); the outline Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan (CTMP) would be secured.</p>			<p>The Applicant continues to engage with both relevant planning authorities and aims to clarify the position with Article 2 in the next iteration of the Statement of Common Ground at Deadline 5.</p> <div style="border: 2px solid black; padding: 5px;"> <p>Deadline 5:</p> <p>The Applicant and BCC have updated the SoCG submitted at Deadline 5 in respect of this action (DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2).</p> <p>The Applicant will seek the agreement of NSC in the next iteration of the NSC SoCG.</p> </div>
3	<p>Article 44 (Hedgerows)</p> <p>Discussion between the Applicant and NSC as to whether article 44 is sufficient or whether a requirement is needed to address NSC concerns.</p>	Applicant NSC	Before ISH2/3	<p>Deadline 3:</p> <p>The Applicant has amended Article 44 and does not consider an additional requirement is necessary. The Applicant has provided a note to NSC explaining the approach and agrees the matter be reviewed at ISH2/3.</p> <p>For the Applicant's full response on this issue please see the Applicant's Oral Case and response to Representations at the Issue Specific Hearing 1 (ISH1) – DCO Document Reference 9.16 ExA.ISH1.D3.V1, Section 3</p>

Action	Description	Action by	When	Applicant's comments
				<p data-bbox="1361 331 1637 363">Issue Reference 7.</p> <p data-bbox="1361 539 1547 571">Deadline 4:</p> <p data-bbox="1361 611 2078 815">The Applicant has received a copy of the email from the Relevant Planning Authority to the Panel to confirm that Article 44 is agreed. This point will be covered in the Statement of Common Ground between the parties submitted at Deadline 5.</p> <p data-bbox="1361 874 1547 906">Deadline 5:</p> <p data-bbox="1361 946 2040 1086">NSC has agreed Article 44 is acceptable – see document REP4-040. This will be further recorded in the next iteration of the SoCG between the Applicant and NSC.</p>
5	<p data-bbox="327 1121 544 1153">Requirement 5</p> <p data-bbox="327 1193 741 1294">Applicant to check with EA whether the requirement as drafted addresses their</p>	Applicant EA	ISH2/3	<p data-bbox="1361 1121 1547 1153">Deadline 3:</p> <p data-bbox="1361 1193 2056 1294">The Applicant and EA remain in dialogue and the Applicant agrees with the ExA's suggestion to defer this matter until ISH2/3.</p>

Action	Description	Action by	When	Applicant's comments
	<p>concerns regarding waste management and if not the EA to provide their preferred wording.</p>			<p>Deadline 4:</p> <p>This matter was not expressly dealt with at ISH2/3 but the Applicant is seeking to agree the drafting of Requirement in the next iteration of the Statement of Common Ground to be submitted at Deadline 5.</p> <p>Deadline 5:</p> <p>The Applicant continues to seek the EA's approval to the wording of Requirement 5 in respect of waste management.</p>
7	<p>Requirement 16</p> <p>Change to start time to be discussed as part of discussion on construction impacts at ISH2/3</p>	ExA	ISH2/3	<p>Deadline 3:</p> <p>Noted. The Applicant will liaise with the Relevant Planning Authorities ("RPAs") in the interim.</p> <p>Deadline 4:</p> <p>The relevant planning authorities indicated their satisfaction in ISH1 with the amended wording of Requirement 16 (introduced at Deadline 2). The Applicant expects to formally record this as an agreed issue in the revised Statement of Common Ground to be submitted at Deadline 5.</p>

Action	Description	Action by	When	Applicant's comments
				<p>Deadline 5:</p> <p>Requirement 16 is agreed with BCC and this is recorded in the revised SoCG submitted at Deadline 5 (DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2). NSC has indicated its satisfaction with the revised wording and this will be recorded in the next iteration of the NSC SoCG.</p>
21	<p>BCC/ Applicant to confirm how, if required, the contribution towards trees to compensate referred to in BCC LIR [REP1-032] would be secured.</p> <p>If S106 or unilateral undertaking - what would the timescale be for the submission of the completed obligations to the Examination?</p>	BCC Applicant	ISH2/3 Deadline 4	<p>Deadline 3:</p> <p>The Applicant is discussing the process for payment with BCC and proposes that it updates the ExA at ISH2/3. The Applicant does not envisage that a development consent obligation will be used.</p> <p>Deadline 4:</p> <p>The Applicant continues to discuss this issue with BCC and expects to be able to record the matter as resolved in the next iteration of the Statement of Common Ground at Deadline 5.</p>

Action	Description	Action by	When	Applicant's comments
	<p>BCC and Applicant to have discussion about the need for these (and other) off-site contributions.</p>			<p>Deadline 5:</p> <p>The Applicant continues to discuss this issue with BCC and expects to be able to record the matter as resolved in the next iteration of the Statement of Common Ground at Deadline 6.</p>

Compulsory Acquisition Hearing 1 (CAH1)

Action	Description	Action by	When	Applicant's Comments
13	<p>a) Applicant and Mr Crossman to have further discussions to try and progress a voluntary agreement.</p> <p>b) Applicant to confirm why they need the full extent of plot 02/55.</p>	Applicant	On-going	<p>Deadline 3:</p> <p>a) The Applicant will continue to hold discussions with Mr Crossman to reach a satisfactory outcome for both parties.</p> <p>b) Please see the update set out in Ref: 8 of the table in the Applicant's Oral Case and response to Representations at the Compulsory Acquisition Hearing 1 (CAH1) – DCO Document Reference 9.15 ExA.CAH1.D3.V1.</p> <p>Deadline 4:</p> <p>The Applicant has discussed the issue with WPD and will look to engage further with both Mr Crossman and WPD.</p> <p>Deadline 5:</p> <p>The Applicant has engaged further with Mr Crossman's agent and is in the process of compiling responses to queries raised. The Applicant is also seeking a further meeting with WPD to reach, if possible, a joint proposal for Mr Crossman's consideration.</p>

Action	Description	Action by	When	Applicant's Comments
17	Statement of Common Ground with WPD to be prepared	Applicant and WPD	Deadline 4	<p>Deadline 3:</p> <p>Please see the update set out in Ref: 17 of the table in the Applicant's Oral Case and response to Representations at the Compulsory Acquisition Hearing 1 (CAH1) – DCO Document Reference 9.15 ExA.CAH1.D3.V1.</p> <p>Deadline 4:</p> <p>The Applicant has met again with WPD since CAH1 and Deadline 3, leading to further investigation of the apparatus interfaces and initial drafting of a SoCG. The SoCG remains subject to review by WPD and therefore the Applicant aims to submit a well-developed draft with clarity on the matters agreed/ not yet agreed at Deadline 5.</p> <p>Deadline 5:</p> <p>A draft SoCG has been submitted at Deadline 5 (DCO Document Reference 9.3.14 ExA.SoCG-WPD.D5.V1) reflecting the Applicant's understanding of the current position. The Applicant awaits WPD's comments on the draft SoCG.</p>

Action	Description	Action by	When	Applicant's Comments
23	Comments on protective provisions suggested by BPC in their REP2-064.	Applicant	Deadline 3	<p>Deadline 3:</p> <p>Please see the update set out in Ref: 25 of the table in the Applicant's Oral Case and response to Representations at the Compulsory Acquisition Hearing 1 (CAH1) – DCO Document Reference 9.15 ExA.CAH1.D3.V1.</p> <p>Given the progress in discussions the Applicant believes it will be more efficient for it to respond to this action from the ExA before Deadline 4, to allow further discussion between the parties, as the content of the agreement proposed (and now the subject of negotiation) will impact on a number of BPC's specific drafting points in its suggestions regarding protective provisions.</p> <p>Deadline 4:</p> <p>The Applicant is meeting with BPC shortly after Deadline 4 and will provide an update at Deadline 5, including on the need for protective provisions beyond those already proposed by the Applicant.</p>

Action	Description	Action by	When	Applicant's Comments
				<p>Deadline 5:</p> <p>Please see the Applicant's response to written representations submitted at Deadline 4 (DCO Document Reference 9.34 ExA.CWR.D5.V1) at reference 001112-D4-001.</p>

Issue Specific Hearing 2 (ISH2)

Action	Description	Action by	When	Applicant's Response
12	Provide further detail of the design of the proposed fencing in the Avon Gorge and whether it would replace the existing post and wire fencing that currently runs through the Avon Gorge.	Applicant	Deadline 4	<p>Deadline 4:</p> <p>The Applicant is aiming to provide a full review of fencing provision, including within the Avon Gorge. The intention is to retain existing fencing or, where required, to provide paladin fencing within the Avon Gorge. A full response on fencing will be provided at Deadline 5.</p> <p>Deadline 5:</p> <p>The Applicant wishes to clarify that the existing and proposed fencing types are shown on the General Arrangement Plans (see the latest version submitted at Deadline 5 – DCO Document Reference 2.4 (Version 3)).</p>
13	If the existing post and wire fencing is to be replaced with different type of fencing what is proposed and provide visuals of the proposed fencing through the Avon Gorge from key vantage points including the Clifton Suspension Bridge.	Applicant	Deadline 5	<p>Deadline 4:</p> <p>The Applicant will respond on fencing matters at Deadline 5.</p> <p>Deadline 5:</p> <p>This issue was raised in ISH2 – please see the Applicant's Oral Case and Response to Representations at ISH2 (REP4-009) issue 17, and Appendix 3 to that document showing visuals of the fencing in the Avon Gorge (REP4-012).</p>

Action	Description	Action by	When	Applicant's Response
				<p>The Applicant wishes to clarify that the existing and proposed fencing types are shown on the General Arrangement Plans (see the latest version submitted at Deadline 5 – DCO Document Reference 2.4 (Version 3)).</p>
15	<p>Provide further detail on his concerns regarding the potential need for an acoustic barrier between the public footpath and the M5 underbridge by Deadline 4 with the Applicant to provide a response at Deadline 5.</p>	Mr Ovel/ the Applicant	Deadline 4/ Deadline 5	<p>Deadline 4:</p> <p>The Applicant will respond at Deadline 5 once Mr Ovel provides his comments. In the meantime, the Applicant has responded in the Applicant's summary of its oral submissions at ISH2 (Reference: 9.23 ExA.ISH2.D4.V1).</p> <p>Deadline 5:</p> <p>See the Applicant's responses to Written Representations submitted for Deadline 4 (DCO Document Reference 9.34 ExA.CWR.D5.V1), issue reference 001106-D4-001.</p>
16	<p>Where possible to provide an indicative plan showing the type of fencing (paladin, palisade or post and wire) that would be used (including colour) where this would be located along the length of the railway route and advise how this could be secured taking into account the operational</p>	Applicant	Deadline 4	<p>Deadline 4:</p> <p>The Applicant is considering this further and proposes to provide a fuller answer at Deadline 5, together with its response to item 13 above, to provide the information in a single comprehensive response</p> <p>Deadline 5:</p>

Action	Description	Action by	When	Applicant's Response
	needs of the railway.			<p>The Applicant wishes to clarify that the existing and proposed fencing types are shown on the General Arrangement Plans (see the latest version submitted at Deadline 5 – DCO Document Reference 2.4 (Version 3)).</p>
17	Applicant to provide further detail of the fencing proposed for the Clamage Road depot, including style, height and colour by Deadline 4 with the Council to provide an assessment of the effect of this on the adjoining Conservation Area at Deadline 5.	Applicant/ Bristol City Council (BCC)	Deadline 4/ Deadline 5	<p>Deadline 4:</p> <p>Palisade fencing will be used. The northern boundary at this location that abuts the neighbouring public footpath already has palisade fencing. In addition landscaping will be provided. See APP-044 for location of proposed planting.</p> <p>Deadline 5:</p> <p>Following further consultation with BCC and Network Rail, the Applicant has agreed to the use of paladin fencing at the compound as requested by BCC. This is documents as an agreed issue in the revised Statement of Common Ground with BCC submitted at Deadline 5 (DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2). It is also now provided for in Schedule 2, Requirement 31 of the dDCO submitted at Deadline 5.</p>
25	Applicant to respond to the response received from Mr	Applicant	Deadline 5	<p>Deadline 4:</p> <p>The Applicant will respond at Deadline 5</p>

Action	Description	Action by	When	Applicant's Response
	Tonks at Deadline 4.			<p>Deadline 5:</p> <p>The Applicant has responded at Deadline 5 – see DCO Document Reference 9.34.1 ExA.CWR.D5.V1.</p>
31	To review whether Requirement 30 duplicates the need to provide a Construction Workers Travel Plan that would be secured as part of the CTMP in requirement 5. If it would, to consider which mechanism would best deliver the outcome required and amend the dDCO as necessary.	Applicant/ NSDC	Deadline 4	<p>Deadline 4:</p> <p>The need for an additional requirement is being discussed with the relevant planning authority and an update will be provided in the Statement of Common Ground at Deadline 5.</p> <p>Deadline 5:</p> <p>The Applicant will discuss this issue further with North Somerset Council as relevant planning authority, with a view to having an agreed position in the next iteration of the statement of common ground with the relevant planning authority.</p>
33	Mr Ovel and Mr Berry to submit their concerns regarding the proposed Lodway construction compound in writing by Deadline 4, Applicant to provide a response at Deadline 5.	Mr Ovel/ Mr Berry/ the Applicant	Deadline 4/ Deadline 5	<p>Deadline 4:</p> <p>The Applicant will respond at Deadline 5 .</p> <p>Deadline 5:</p> <p>The Applicant has provided responses to Mr Ovel and Mr Berry in its responses to Written Representations submitted for Deadline 4 (DCO</p>

Action	Description	Action by	When	Applicant's Response
				Document Reference 9.34 ExA.CWR.D5.V1).
34	Ms Stowers to submit her concerns in writing by Deadline 4, Applicant to provide a response at Deadline 5.	Ms Stowers/ the Applicant	Deadline 4/ Deadline 5	<p>Deadline 4: The Applicant will respond at Deadline 5.</p> <p>Deadline 5: The Applicant has provided a response to Ms Stowers in its responses to Written Representations submitted for Deadline 4 (DCO Document Reference 9.34 ExA.CWR.D5.V1).</p>

Issue Specific Hearing 3 (ISH3)

Action	Description	Action by	When	Applicant's Response
4	To provide an update on the progress of the SoCG's with the National Trust and the Forestry Commission including an indication of when they would be agreed and submitted into the Examination	Applicant	Deadline 5	<p>Deadline 4:</p> <p>This will be provided at Deadline 5. The Applicant will continue to liaise with the relevant party</p> <p>Deadline 5:</p> <p>The Applicant has provided a progress update against question GC.2.8 in its responses to ExQ2 (DCO Document Reference 9.33 ExA.WQ2R.D5.V1).</p>
5	To provide further detail on whether a SoCG with the Woodland Trust is likely to be forthcoming including details of what attempts have been made to engage with the Woodland Trust and the progress made	Applicant	Deadline 5	<p>Deadline 4:</p> <p>This will be provided at Deadline 5. The Applicant will continue to try to obtain a response from the relevant party</p> <p>Deadline 5:</p> <p>The Applicant has provided a progress update against question GC.2.8 in its responses to ExQ2 (DCO Document Reference 9.33 ExA.WQ2R.D5.V1).</p>
6	To submit completed SoCGs agreed with North Somerset District Council (NSDC) and	Applicant/ NSDC / BCC	Deadline 5	<p>Deadline 4:</p> <p>This will be provided at Deadline 5. The Applicant will continue to liaise with the relevant parties.</p>

Action	Description	Action by	When	Applicant's Response
	Bristol City Council (BCC)			<p>Deadline 5:</p> <p>The Applicant has submitted a further SoCG with BCC at Deadline 5 with very little remaining to be agree (DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2). A further iteration of the NSC SoCG has not been submitted at Deadline 5 but will be provided for Deadline 6, following the next issue specific hearings.</p>
16	To further consider the use of half pipes and other types of mitigation used elsewhere under railway lines for the movement of toads and whether there are any existing gaps that toads can migrate through and how these would be secured	Applicant	Deadline 5	<p>Deadline 4:</p> <p>The Applicant will respond at Deadline 5</p> <p>Deadline 5:</p> <p>The Applicant will be updating ES chapters and the Environmental Masterplan as appropriate for DL6, including in respect of toads. The Applicant is seeking to develop appropriate measures for toads in the draft Reptile and Amphibian Mitigation Strategy, in consultation with Network Rail. These will be reviewed with the benefit of the additional toad surveys in late February/early March, prior to submission at DL7.</p>
17	To provide an update within the SoCG regarding the situation with regards to the contribution to the delivery of	BCC/ Applicant	Deadline 4	<p>Deadline 4:</p> <p>The Applicant expects to submit a completed SoCG with BCC at Deadline 5. The completed SoCG will include an update on the contribution to the</p>

Action	Description	Action by	When	Applicant's Response
	trees off-site requested by BCC			<p>delivery of trees off-site.</p> <p>Deadline 5:</p> <p>The Applicant and BCC have updated the SoCG submitted at Deadline 5 in respect of this action (DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2). The Applicant awaits confirmation from BCC that the proposed payment mechanism is approved. Revised tree loss calculations arising from removal of Work 27 are appended to the SoCG at Appendix 4.</p>
24	The Environment Agency and BCC Flood Experts who could not attend the hearing to listen to the digital recording and respond to any points raised in relation to agenda item 5. In particular they should provide a clear statement about the implications of Order land falling within flood zone 3a and 3b and the tests that the Secretary of State would need to apply in the event that this matter is not agreed by the end of the Examination	Environment Agency (EA)/ BCC	Deadline 4	<p>Deadline 4:</p> <p>The Applicant may have to respond to the submitted information at Deadline 5.</p> <p>Deadline 5:</p> <p>Please see the Applicant's response to written representations submitted at Deadline 4 (DCO Document Reference 9.34 ExA.CWR.D5.V1) at reference 001112-D4-001.</p>
25	Applicant to continue	Applicant/ EA/	On-going	<p>Deadline 4:</p>

Action	Description	Action by	When	Applicant's Response
	discussions with the EA and BCC to resolve this matter and even if matters remain outstanding a completed SoCG to be submitted by Deadline 5	BCC		<p>The Applicant will continue discussions with the EA and BCC as requested.</p> <p>Deadline 5:</p> <p>Further iterations of the BCC SoCG (DCO Document Reference 9.3.2 ExA.SoCG-BCC.D5.V2) and EA SoCG (9.3.3 ExA.SoCG-EA.D5.V3) have been submitted at Deadline 5.</p>
28	To consider how pre/ post construction topographic studies and any remedial work required at Cattle Creep bridge could be secured in the DCO	Applicant	Deadline 4	<p>Deadline 4:</p> <p>The Applicant has prepared additional drafting on this point which it will shortly share with Environment Agency and the relevant planning authority. It is hoped that the parties can then agree to provision being included within Schedule 2 (Requirements) in the dDCO submitted for Deadline 5.</p> <p>Deadline 5:</p> <p>The Applicant submits a revised draft DCO at Deadline 5 (DCO Document Reference 3.1 (Version 5)). An amended Requirement 33 has been included to address the issue of topographic surveys at Cattle Creep bridge. The Applicant awaits comments from the EA as to whether this amendment is agreed.</p>
33	To provide written consent for	Applicant/ NSDC	Deadline 5	<p>Deadline 4:</p>

Action	Description	Action by	When	Applicant's Response
	<p>the ExA to access the disused track in order to be able to carry out an Unaccompanied Site Inspection</p>			<p>The Applicant will provide confirmation by Deadline 5.</p> <p>Deadline 5:</p> <p>The Applicant has prepared a letter for the Examining Authority to confirm permission to enter on to the Applicant's land. The Applicant is now co-ordinating issuing its permission with Network Rail, to ensure the Examining Authority is able to access the railway between Marsh Lane and Portishead. It is hoped the correspondence will be sent to the Examining Authority shortly.</p>